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Bihar Electricity Regulatory Commission
VidyutBhawan-II, J.L. Nehru Marg, Patna 800 021

NOTIFICATION

The 17th November 2021

No. BERC-Case No.-SMP-06/2021-02---In exercise of the power conferred by the sub-section (1), clause (r) and (s) of sub-section (2) of section 181 read with section 42 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf and in compliance of Rule 15 of Electricity (Rights of Consumers) Rules, 2020 notified by Govt. of India vide GSR818 (E) dated 31st December 2020, the Bihar Electricity Regulatory Commission makes the following amendments in BERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) Regulation 2017 and BERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy)(1st Amendment) Regulation 2019.

1. SHORT TITLE, COMMENCEMENT, DEFINITIONS AND INTERPRETATIONS

Short Title and Commencement

- 1.1 These Regulations may be called the Bihar Electricity Regulatory Commission (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy)(2nd Amendment) Regulations, 2021.
- 1.2 These Regulations shall be applicable to all distribution licensees in the "State of Bihar" in their respective licensed areas.

- 1.3 These Regulations shall come into force from the date of notification in the Official Gazette.
- 1.4 These Regulations shall be construed harmoniously with the standards of performance of the distribution licensees and the Electricity Supply Code specified by the Commission under the provisions of Clauses (x) and (za) of sub-section (2) of section 181 of the Act. In case of any inconsistency with these Regulations, the standards of performance of the distribution licensees and the Electricity Supply Code shall prevail.

2. Amendment in Regulation 2 of the Principle Regulation:

- (i) The Regulation 2.2 of the Principle Regulation Shall be substituted as under:

"The distribution licensee shall establish Consumer Grievance Redressal Forum (CGRF) under sub-section (5) of section 42 of the Act at different levels to cater the needs of the sub division, division, circle, zone, company level.

However, the licensee should make an endeavor to establish at least one Forum in each Supply Circle which may further extend to district level, as and when needed.

The Forum may be assigned different types of grievances depending on the nature of the grievance and the level at which it can be best resolved."

- (ii) The Regulation 2.4 (a) (i) of the Principle Regulations shall be substituted as under:

"The Forum shall be headed by an officer of licensee of appropriate seniority not below the rank of Electrical Executive Engineer (EEE) or equivalent. The Forum shall consist of serving officers of the licensee, except Independent Member, and shall have not more than three Members as consumers and prosumer representatives. The senior most Member appointed by licensee shall be the Chairperson of the Forum. Preference shall be given to the officer having experience in dealing with problems of consumers relating to Electricity matters and familiar with the consumers affairs service."

Licensee shall ensure that officers appointed as members are of different discipline to meet rational behind appointment of two officers of Licensee."

- (iii) The Regulation 2.4 (a)(ii) of the Principle Regulations shall be substituted as under:

"The second Member shall be appointed by the licensee from amongst the serving officers of the licensee not below the rank of Electrical Executive Engineer or equivalent of appropriate seniority having at least three years experience in the field of electricity supply, distribution or accounts/finance and shall have requisite knowledge of Electricity Act/Regulation and consumer affairs.."

- (iv) The Regulation 2.4 (a)(iii) of the Principle Regulations shall be substituted as under:

"The Third Member shall be an Independent Member. The person shall be a representative of a registered society/ NGO/ consumer organization having one of its main objectives as consumer protection with at least 5 years of standing or alternatively the representing member should have five years of experience in consumer-related matters or a person of stature and repute having at least five years exposure and experience of consumer affair and the minimum qualification shall be graduate in any discipline from a recognized university.

Provided that, a person applying for the post of Independent Member of the Forum shall not have been in the employment in any capacity under, or agency of, the Distribution Licensee for a minimum period of three (3) years prior to being appointed Independent Member of the Forum."

- (v) The Regulation 2.4 (a) (iv) of the Principle Regulations shall be substituted as under:

"The Independent Member (Third Member) shall be selected through proper advertisement in Press and on the Website & Notice Board of the Commission and the licensee."

- (vi) The Regulation 2.4 (a) (v) of the Principle Regulations shall be substituted as under:

"The Independent Member (Third Member) of the Forum shall be nominated by the Commission. The process of the appointment of the Independent Member (Third Member) of the Forum shall be initiated by the Commission."

- (vii) The Regulation 2.5 of the Principle Regulations shall be substituted as under:

"The Distribution Licensee shall propose to the Commission a panel of names of at least three officers for each post of the First and Second Member of the Forum as provided in Regulation 2.4(a) (i) & 2.4(a) (ii). Details of qualification, experience and background relating to ability, integrity and standing shall be submitted in respect of each officer. The Commission shall consider the names proposed by the licensee and after its approval, the licensee shall appoint both the Members."

- (viii) The Regulation 2.6 of the Principle Regulations shall be substituted as under:

"Every member of the Forum shall hold office for a fixed term of three years, from the date of appointment or till he/she attains the age of 60 years or date of superannuation of serving officer of the licensee appointed as First and Second Member, whichever is earlier.

The Licensee in case of appointment of the Members of Forum shall initiate selection process three months before the

date of expiry of tenure of present Members. In case of unavoidable delay in appointment of Members and Chairperson after expiry of the term of the existing Forum, the existing Forum after completion of its term, may continue to function for a period of maximum three months, or till the new Members and the Chairperson join their duties, whichever is earlier subject to the prior approval of the Commission.

The Licensee shall ensure that the working of Forum is not disrupted on account of non-filling up of the posts and the new Forum is made functional within the extended period in any case. Provided that when the Chairperson is unable to function due to ailment or any other reason the Second Member shall discharge the functions of the Chairperson in his absence."

- (ix) The Regulation 2.8 of the Principle Regulations shall be substituted asunder:
"The minimum age for appointment to the post of Independent Member (Third Member) shall be 35 years as on the last date of receipt of application."
- (x) The Regulation 2.10 of the Principle Regulations shall be substituted as under:
"The Independent Member (Third Member) of the Forum shall be whole-time Member. He shall not undertake any other part-time or honorary work."
- (xi) The Regulation 2.15 of the Principle Regulations shall be substituted as under:
"The sitting fees, honorarium and/or other allowances (collectively "Remuneration") payable to the Independent Member (Third Member) will be Rs. 45,000/- month by the licensee with the approval of the Commission."
- (xii) The Regulation 2.16 of the Principle Regulations shall be substituted as under:
"The terms and conditions of service of a member of the Forum who is in the employment of the licensee shall be governed by the terms and conditions of his/her employment with such a licensee. Thus, the Chairman and the Second Member shall continue to draw the same salary as he/ she is entitled to as a regular employee of the licensee."

**By order of the Commission,
Sd./Illegible,
Secretary.**